

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**REQUEST FOR FILING APPLICATION UNDER RULE 53(b)**

Pursuant to 37 CFR 1.53(b), please file a ☐ continuation/☒ divisional

of the pending prior PATENT APPLICATION **09/628345 U.S. PTO**

Inventor: CAVAZZA

Serial No. 09/446,806

Filed: December 28, 1999

For: **PHARMACEUTICAL COMPOSITIONS COMPRISING ALKANOLYL L-CARNITINE IN COMBINATION WITH A STATINE FOR TREATING PATHOLOGIES BROUGHT ABOUT BY AN ALTERED LIPID METABOLISM**

Assistant Commissioner for Patents

Washington, DC 20231

Sir:

This request for filing under Rule 53(b) is made by the following named inventor(s) (using the above-identified title):

Inventor(s): CAVAZZA

- ☒ Attached is a true copy of the prior application as originally filed including the specification, claims, Oath/Declaration and drawings (if any) and abstract (if any). No amendments (if any) referenced in the Oath or Declaration filed to complete the prior application introduced new matter.
- ☒ Priority is hereby claimed under 35 USC 119 based on the following foreign applications, the entire content of which is hereby incorporated by reference in this application:

<u>Application Number</u>	<u>Country</u>	<u>Day/Month/Year/Filed</u>
PCT/IT98/00163	PCT	18 June 1998
RM97A000390	Italy	1 July 1997

☐ certified copy(ies) of foreign application(s) attached or

☐ already filed on \_\_\_\_\_ in prior appln. no. \_\_\_\_\_ filed \_\_\_\_\_

☒ already filed in PCT/IT98/00163 filed June 18, 1998

☒ The prior application is assigned to Sigma-Tau Industrie Farmaceutiche Riunite S.p.A..

☒ Power of Attorney has been granted to Arthur R. Crawford et al, Reg. No. 25,327 of Nixon & Vanderhye P.C., 1100 N. Glebe Rd., 8<sup>th</sup> Flr, Arlington, VA 22201.

☒ Address all future communications to: Nixon & Vanderhye P.C., 1100 N. Glebe Rd., 8<sup>th</sup> Floor, Arlington, VA 22201.

☒ Please amend the specification by inserting before the first line --This is a division of application Serial No.

09/446,806, filed December 28, 1999, now U.S. patent No. \_\_\_\_\_, which is a 35 U.S.C. §371 of PCT/IT98/00163 filed

June 18, 1998 the entire content of which is hereby incorporated by reference in this application.--

☒ The Examiner's attention is directed to the prior art cited in the parent application by applicant and/or Examiner for the reasons stated therein.

☒ Please enter the attached and/or below preliminary amendment prior to calculation of filing fee:

**Attached Information Disclosure Statement**

☒ The entire disclosure of the prior application above-referenced is considered as being part of the disclosure of the new application and is hereby incorporated by reference therein.

**FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY HEREWITH CANCELED**

Basic Filing Fee		\$	690.00
Total effective claims	13 - 20 (at least 20) = 0	x \$ 18.00	\$ 0.00
Independent claims	5 - 3 (at least 3) = 2	x \$ 78.00	\$ 156.00
If any proper multiple dependent claims now added for first time, add \$260.00 (ignore improper)			\$ 0.00
		<b>SUBTOTAL</b>	\$ 846.00
If "small entity," then enter half (1/2) of subtotal and subtract		\$(	0.00)
		<b>SECOND SUBTOTAL</b>	\$ 846.00
Assignment Recording Fee (\$40.00)		\$	0.00
		<b>TOTAL FEE ENCLOSED</b>	\$ 846.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account N . 14-1140**. A duplicate copy of this sheet is attached.

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**NIXON & VANDERHYE P.C.**

By Atty: Arthur R. Crawford, Reg. No. 25,327

Signature: \_\_\_\_\_

Atty Dkt.: 2801-21

C# M#

Date: July 28, 2000

Group: 1617

Examiner: Kim

1c586 U.S. PTO  
09/628345  
07/28/00

The PTO did not receive the following listed item(s) Preliminary Amendment  
Ken N